



Environmental Fact Sheet

PROPOSED LAND DISPOSAL RESTRICTIONS -THIRD THIRD

BACKGROUND

The Land Disposal Restrictions Program, established by the 1984 amendments to the Resource Conservation and Recovery Act (RCRA), phases in a prohibition against the land disposal of hazardous wastes unless they meet specific treatment standards. The statute established a strict schedule for implementation of the program for various waste groups, which EPA has met in the rules promulgated to date:

- o Spent solvent- and dioxin-containing wastes, November 7, 1986;
- o "California list" wastes,* July 8, 1987; and
- o All other wastes listed as of November 8, 1984:
 - First Third, August 8, 1988;
 - Second Third, June 8, 1989.

The rule proposed today covers the Third Third of RCRA listed and characteristic hazardous wastes.* * Promulgation of this rule by May 8, 1990, will complete the last phase of the Land Disposal Restrictions Program for all wastes listed as of November 8, 1984, as well as for three wastes listed since that time.

* "California list" wastes are liquid and nonliquid hazardous wastes containing halogenated organic compounds (HOCs) above 1,000 ppm, and liquid hazardous wastes containing polychlorinated biphenyls (PCBs) above 50 ppm, certain toxic metals above specified statutory concentrations, or corrosive liquid wastes that have a pH level below 2.

** A characteristic waste is any solid waste that exhibits one or more of the following characteristics: ignitability, corrosivity, reactivity, and toxicity.

ACTION

EPA is proposing:

- o Treatment standards for approximately 350 listed wastes ("F," "K," "P," and "U" wastes), three newly listed wastes (identified as hazardous since November 1984), and all of the characteristic wastes;
- o Alternative treatment standards for multi-source leachate (i.e., any liquid, including any suspended components in the liquid, that has percolated through or drained from various hazardous waste sources);
- o Prohibitions and effective dates for wastes currently being placed in underground injection wells; and
- o Several clarifications of and a modification to the framework of the Land Disposal Restrictions Program.

In the proposed rule, treatment standards are being set either as specified technologies (e.g., incineration) or concentration levels achievable by best demonstrated available technology (BDAT) for hazardous constituents. Where technologies are specified as the treatment standards, alternative treatment technologies are prohibited; if a concentration level is the treatment standard, any technology not otherwise prohibited may be used to meet the treatment standard.

EPA has the authority to grant up to a two-year national capacity variance that extends effective land ban dates in situations where alternative capacity is not available. Based on data from a recently conducted survey of available alternative capacity at treatment, storage, disposal, and recycling facilities, EPA is proposing two-year extensions of the effective dates for several waste codes, for mixed (radioactive/hazardous) wastes, and for soil and debris when the relevant treatment is incineration, vitrification, or mercury retorting. After May 8, 1990, all wastes must meet BDAT treatment standards, or they are prohibited from land disposal, unless they are subject to a capacity extension or disposed of in an approved no-migration unit.

Affected industries and generators can petition EPA for a variance from the promulgated treatment standard in one of several ways:

- o "No Migration" Variances - These variances are granted on a facility-specific basis. The petitioner must demonstrate no migration of hazardous constituents to air, surface water, ground-water, or soil for as long as the waste remains hazardous. Each no-migration variance decision is made through a separate rulemaking.
- o Case-by-Case Extensions - These variances can extend the effective date for a specific restricted waste and generating facility for up to one year (renewable once) where treatment capacity is unavailable. Each case-by-case extension is addressed through a separate rulemaking.
- o Treatability Variances - Treatability variances are both national and site-specific in scope. The national treatability variances (developed through a separate rulemaking) require demonstrations that the waste is significantly different (physically or chemically) from that used to set treatment standards, such that existing treatment standards cannot be met. The site-specific treatability variances are appropriate where site-specific factors cause or contribute to difficulty in meeting standards.

MESSAGE

The land disposal restrictions proposed in this rule will create changes in hazardous waste management practices for over three hundred waste codes, as well as characteristic wastes. Although the conditions set forth by this rule will increase the costs of waste management for industry, they should decrease current risks to human health and the environment. The regulated community and other interested parties are requested to review the proposed rule and submit their comments and any relevant data to EPA.

CONTACT

For further information or to order a copy of the *Federal Register* notice, please contact the RCRA Hotline Monday through Friday, 8:30 a.m. to 7:30 p.m. EST. The national toll-free number is (800) 424-9346; for the hearing impaired, it is TDD (800) 553-7672. In Washington, D.C., the number is (202) 382-3000 or TDD 475-9652.

